

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Install pipe and infill douit to east boundary.

LOCATION: Waikiki, Clos Du Grande Rue, La Grande Rue, Vale.

APPLICANT: Mr & Mrs J M Flouquet

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 03/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A4 drawings and block layout plan

Application Ref: FULL/2023/1483

Property Ref: C01336A003

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.Before any works commence 1:20 details showing how the fence will be installed to the west of the dry stone wall shall be submitted to and agreed in writing by the Authority and the fence shall be erected in accordance with those details.

Reason - To ensure that the detailed design of the development is satisfactory.

Expiry Date: This permission will cease to have effect on 02/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/1483
Property Ref: C01336A003
Valid date: 11/09/2023
Location: Waikiki Clos Du Grande Rue La Grande Rue La Grande Rue
Vale Guernsey GY3 5HJ
Proposal: Install pipe and infill douit to east boundary.
Applicant: Mr & Mrs J M Flouquet

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

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Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Before any works commence 1:20 details showing how the fence will be installed to the west of the dry stone wall shall be submitted to and agreed in writing by the Authority and the fence shall be erected in accordance with those details.

Reason - To ensure that the detailed design of the development is satisfactory.

OFFICER'S REPORT

Site Description:

The property known as 'Waikiki' is a 1980's bungalow which is set back from and faces west onto the end of Clos du Grande Rue, which is east of La Grande Rue. To the north and west are neighbouring clos properties and to the east are two dwellings which belong to Clos de Beauvoir. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to create a culvert; install a pipe along the douit which runs along the eastern boundary and infill the douit with soil and turf, then remove the existing wall and fence (which lie inside the douit) and put up a fence on the far side of the douit once filled.

Having received the letters of representation, it was clear that the submitted drawings were wrong and needed amending. The application was deferred to allow the applicants to amend the drawings.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

GP8: Design

GP13: Householder Development

Representations:

There have been two letters of representation and the issues are:

- The east side of the douit is made up of a dry stone wall which is the actual boundary, the dry stone wall belonging to the neighbours and the douit belonging to the applicant. The drawings show the boundary wall on the neighbours side of the dry stone wall, which caused the letters of representation.
- There are concerns about whether the works will have the quality and efficiency needed to deal with heavy rain and possible flooding, surely the water board should take some responsibility to ensure the quality of the works is fit for purpose.
- What provisions are to be put in place whilst the works are carried out to ensure the applicants dogs do not escape from Waikiki's garden as both neighbours have small children in their gardens.
- There will obviously be a large amount of noise and disruption, i.e. when the neighbours cannot use their gardens due to dust/debris flying from knocking down the wall and installing the new pipe and hard core. Will this work be conducted by professional contractors over a reasonably short period of time so as to limit the undoubted impact on the enjoyment of the gardens/properties rather than work being undertaken piecemeal or at weekends on a DIY basis as again that has a direct impact on the neighbours quality of life whilst these works are undertaken?

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The proposed plans are to expand the rear garden of Waikiki by removing the existing wall which lies to the west of the douit, filling up the douit by laying a 600mm pipe and back filling with hardcore and soil and turfing over the top. Finally a

1.8m high fence will be erected on the east side of the douit (to the west of the dry stone wall which belongs to the neighbouring properties).

Since the drawings have been amended the concerns over the any of the works happening on the neighbours properties have been mitigated, as the drawings now show the fence being erected to the west of the dry stone wall. However, there have not been details of how the fence is going to be anchored, so a condition will be added to ensure the installation of the fence can be carried out over the filled douit.

The works are to be carried out at the rear of the property, therefore will not be seen from any public vantage points and so the works are not considered to have any impacts on the character and appearance of the surrounding area, nor are they considered to have any detrimental effects on the neighbours amenity space.

The issues raised by neighbours regarding dust, noise and disturbance are likely to be short term in nature and not significant enough to warrant a construction management plan for such a small scale development.

The ownership of the boundary wall and issues regarding dogs entering private gardens are civil matters and can not influence the planning decision.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 30/10/2023

